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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/017,644      | 12/14/2001  | Merih Pasin          | US20010246          | 7924             |

173 7590 06/17/2004

WHIRLPOOL PATENTS COMPANY - MD 0750  
500 RENAISSANCE DRIVE - SUITE 102  
ST. JOSEPH, MI 49085

EXAMINER

PERRIN, JOSEPH L

ART UNIT PAPER NUMBER

1746

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                         |                     |  |
|------------------------------|-------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>  | <b>Applicant(s)</b> |  |
|                              | 10/017,644              | PASIN ET AL.        |  |
|                              | <b>Examiner</b>         | <b>Art Unit</b>     |  |
|                              | Joseph L. Perrin, Ph.D. | 1746                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9, 10 and 21-28 is/are rejected.
- 7) ☒ Claim(s) 11-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to new claims 9-28 are considered moot since these new claims are newly presented before the Office and have not yet been rejected.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 2410279 to Parlour *et al.* (hereinafter "Parlour").

Re claims 9-10, Parlour discloses, for instance in Figure 1 and the abstract, a garment treating apparatus including a collapsible container ("flexible sack" enclosure) with container opening (closed by door 16a), a humidity provider ("steam generator") a heating element and air circulation device ("hot air blower"), and at least one vent and/or filter ("vent"), fastener with interlock for locking the fastener ("sliding clasp fastener", *i.e.* a zipper).

It is noted that it is well-known in the art that zippers, when in the down position, provide a locked position which would prevent accidental opening of the zipper. As such, one of ordinary skill would recognize such zipper mechanisms

as including an "interlock" which would lock in the down or flat position. Thus, any zipper-type fastening mechanism, such as the zipper of Parlour, reads on applicant's claimed fastener with interlock, the interlock preventing accidental opening of the fastener.

4. Claims 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,730,006 to Conley.

Re claim 21, Conley discloses an appliance including a collapsible/expandable container (garment bag 11), a container opening (front panel 13 that can be opened and closed), a humidity provider (steaming electrodes 42/43), a heating element 38, an opening 19 at the top of the bag, an air circulation device (fan motor 28 with blades 29) and a light source (display panel 65' with lights 66' "mounted in an upper portion of the bag 11' so as to be clearly visible to a user of the invention" (emphasis added)), and a light/lamp placed inside the container which, in order to be viewed from the outside of the container, inherently must pass through the container wall (see, for instance, col. 5, line 66 – col. 6, which discloses the lights "mounted in an upper portion of the bag 11' so as to be clearly visible to a user of the invention" (emphasis added), and Figure 8, which, in combination, clearly shows the connecting wires of the display panel and the display panel located inside the container/bag). Applicant is reminded that US 5,528,912 to Weber, cited as pertinent prior art in the previous Office action but not relied upon in a rejection, also discloses that a light

indicator located inside a clear fabric treatment bag for displaying cycle completion to a user is well-known in the art.

Although Conley does not expressly disclose the opening 19 and a vent means, the position is taken that opening 19 inherently must act as a vent since the opening provides for "one or more garment hangers" (col. 2, lines 60-61) which in order to provide for variable numbers of hangers would be a non-sealed opening, and thus would allow escaping steam to pass, *i.e.* a vent.

Re claims 22 & 24, Conley further discloses the lights automatically illuminated by an automatic controller (e.g. automatic timer 48' (see, for instance, the abstract and col. 6, lines 3-7).

Re claim 23, since Conley discloses the light source "mounted in an upper portion of the bag 11'" (see above), the position is taken that the bag material inherently must be transparent/translucent in order to be clearly visible to a user.

### ***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conley in view of US 4,916,439 to Estes *et al.* (hereinafter "Estes").

Recitation of Conley is repeated here from above. Although Conley does disclose a light source as means for preventing accidental opening of an

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appliance container by providing visual display indicating when the treatment cycle is finished (e.g. col. 5, line 66 – col. 5, line 10), Conley does not expressly disclose further means including an LCD display indicator or a sound working indicator.

Estes discloses that it is desirable to know when a laundry treatment cycle is finished (for instance, col. 1, lines 21-25), and that it is known to provide multiple indicators including an LCD display, an audible indicator and “other types of visual indication” (for instance, col. 3, lines 16-18).

Therefore, the position is taken that a person of ordinary skill in the art at the time the invention was made would have been motivated to modify the laundry appliance disclosed by Conley, with the additional audible and visual indicators disclosed by Estes, in order to enhance indication of the operation of the appliance and notify user of the completion of the cycle to prevent accidental opening of the container during an operational cycle.

It is noted that the sound intensity range of claim 28 is considered intended use and given little patentable weight in apparatus claims. It has been held that the recitation that an element is “capable of” performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

***Allowable Subject Matter***

7. Claims 11-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record does not teach or suggest the claimed appliance further including the interlock with a controller operably coupled to the fastener and interlock (locking mechanism) to control the locking and unlocking of the appliance.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 3,905,125 to Hubner, which discloses a collapsible garment treatment bag that is clear/transparent for viewing inside the bag.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571)272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph L. Perrin, Ph.D.  
Examiner  
Art Unit 1746

jlj

  
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